

ESTTA Tracking number: **ESTTA122133**

Filing date: **01/29/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91166568
Party	Plaintiff DSM IP Assets B.V. and DSM Dyneema B.V. DSM IP Assets B.V. and DSM Dyneema B.V. DSM IP Assets BV P.O. Box 9 Geleen, 6160 MA NETHERLANDS
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Submission	Motion for Sanctions
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Date	01/29/2007
Attachments	05097543.pdf ( 4 pages )(77679 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/273,162

Filed: July 11, 2003

For the Mark: **UNIMA**

Published for Opposition: July 12, 2005

Register: Principal Register

<p>DSM IP Assets B.V. and DSM Dyneema B.V.                      Opposers,              v. Charles Y. Cao,                      Applicant.</p>	<p>Opposition No. 91166568 Serial No. 78273162</p>
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**MOTION FOR SANCTIONS BASED ON APPLICANT'S FAILURE  
TO COMPLY WITH BOARD DISCOVERY ORDER**

Opposers, DSM IP Assets B.V. and DSM Dyneema B.V. ("Opposers"), hereby move this Board pursuant to 37 C.F.R. § 2.120(g)(1), for entry of sanctions against Applicant, Charles Y. Cao ("Applicant"), in the form of entry of judgment sustaining the opposition. In support of this Motion, Opposers state as follows:

1. Opposers filed Opposition No. 91166568 on September 9, 2005.
2. Opposers served Opposers' First Set of Document Requests and Opposers' First Set of Interrogatories on Applicant on March 3, 2006. In accordance with Rule 2.120(a) of the Trademark Rules of Practice, Opposers requested responses to the interrogatories and document requests within 30 days of service, i.e., April 3, 2006.
3. Due to Applicant's failure to respond to either Opposers' requests or subsequent inquiry by letter, Opposers filed a motion on June 14, 2006 to compel Applicant to answer Opposers' first request for production of documents and Opposers' first set of interrogatories.

4. On December 12, 2006, the Board granted Opposers' motion to compel discovery. The Board ordered Applicant to respond to Opposers' first set of document requests and first set of interrogatories within thirty days, i.e., by January 11, 2007.

5. Pursuant to Rule 2.120(g)(1) of the Trademark Rules of Practice, if a party fails to comply with an order of the Board, Opposers' remedy can lie in a motion for entry of sanctions in the form of entry of judgment sustaining the opposition.

6. The present motion is necessitated by Applicant's failure to comply with the Board's order of December 12, 2006 compelling discovery within thirty days. Accordingly, Opposers submit that granting Opposers' Motion for Sanctions in the form of entry of judgment sustaining the opposition is an appropriate sanction for Applicant's failure to comply with the Board's order by failing to answer Opposers' first request for production of documents and Opposers' first set of interrogatories.

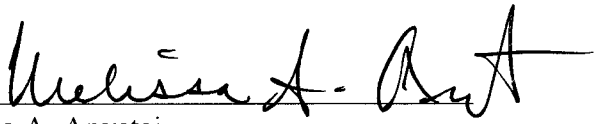
WHEREFORE, Opposers request the following relief:

1. An entry of judgment sustaining the opposition; and
2. Any other relief the Board deems appropriate.

Dated: January 29, 2007

Respectfully submitted,

MAYER, BROWN, ROWE & MAW LLP

By: 

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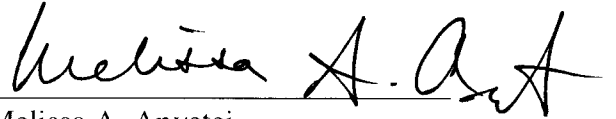
Attorney for Opposers

DSM IP Assets B.V. and DSM Dyneema B.V.

# **CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2007 I forwarded a copy of the foregoing Motion for Sanctions by overnight delivery, to:

Charles Y. Cao  
611 Forest Hill Dr.  
Coppell, TX 75019

A handwritten signature in black ink, appearing to read "Melissa A. Anyetei", written over a horizontal line.

Melissa A. Anyetei  
Attorney for Opposers